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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/045,682

10/29/2001

Robert Byrne

5681-06200

2426

7590

06/09/2006

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Austin, TX 78767-0398

EXAMINER

WON, MICHAEL YOUNG

ART UNIT

PAPER NUMBER

2155

DATE MAILED: 06/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO. 10/045,682	FILING DATE 10/29/2001	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION Byrne, Robert	ATTORNEY DOCKET NO. 5681-06200
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EXAMINER

Won, Michael

ART UNIT

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2155

20060605

DATE MAILED:

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Commissioner for Patents

See Attached Document

Response to Amendment

1. The reply filed on November 2, 2005 is not fully responsive to the prior Office Action because: the amendment cancels all claims drawn to the elected invention and presents only claims drawn to a nonelected invention.

SEE M.P.E.P. 714.19(N), which states:

(N) An amendment canceling all claims drawn to the elected invention and presenting only claims drawn to the nonelected invention should not be entered. Such an amendment is nonresponsive. Applicant should be notified as directed in MPEP § 714.03 and § 714.05. See MPEP § 821.03.

2. Newly submitted claims 45-88 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: The new set of claims are directed to Network resource access controlling, classified in class 709, subclass 229, wherein the originally claimed invention was directed to Distributed or remote access classified in class 707, subclass 10.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 45-88 withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

3. The amendment filed on November 2, 2005, canceling all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-

Art Unit: 2155

responsive (MPEP § 821.03). The remaining claims are not readable on the elected invention because it involves a step of controlling the access of network resources, wherein the cancelled claims were void of such features.

Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Y. Won whose telephone number is 571-272-3993. The examiner can normally be reached on M-Th: 7AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Michael Won



June 5, 2006


SALEH NAJJAR
SUPERVISORY PATENT EXAMINER